

Bourns, Inc. asks the Utah Labor Commission to review Administrative Law Judge Hann's decision regarding L. G. R.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

ISSUES PRESENTED

In its motion for review, Bourns asks that the Commission review Judge Hann's award of temporary total compensation for Ms. R.. However, before considering the issue raised in Bourns' motion for review, the Labor Commission must first determine whether the motion for review was filed within the 30 day time limit imposed by the Utah Administrative Procedures Act ("UAPA"; Title 63, Chapter 46b, Utah Code Ann.).

FINDINGS OF FACT

Judge Hann issued her decision in this matter on January 27, 2004. That same day, a copy of Judge Hann's decision was mailed to Bourns and its counsel of record at their correct mailing addresses. On March 3, 2004, the Labor Commission received Bourns' motion for review, which had been mailed on March 2, 2004.

DISCUSSION AND CONCLUSIONS OF LAW

Section 63-46b-12 of UAPA allows a party dissatisfied with an ALJ's decision 30 days in which to file a motion for review with the Labor Commission. A motion for review is not "filed" until it is actually received by the Labor Commission.

In this case, Judge Hann's decision was issued on January 27, 2004, but Bourns' motion for review was not received until 36 days later, on March 3, 2004. Consequently, Bourns failed to file its motion for review within the 30 day period allowed by law and the Commission lacks jurisdiction to consider this matter further.

ORDER

The Labor Commission dismisses Bourns' motion for review as untimely. Judge Hann's prior decision remains in effect. It is so ordered.

Dated this 25th day of March, 2004.

R. Lee Ellertson, Commissioner